

EXHIBIT A

Re: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

Britt Martin <bmartin0211@outlook.com>

Mon 4/22/2024 3:44 PM

To: Hatch, Daniel <hatchd@butzel.com>; Silver, Lee <silver@butzel.com>

Cc: Burk, Tyler A. <burkt@butzel.com>; Gutierrez, Michael <gutierrez@butzel.com>; Schoonmaker, Gabrielle <schoonmaker@butzel.com>

 1 attachments (23 KB)

4.22.2024 S&O EXTENSION.docx;

Attached here.

Brittany E. Martin

E: bmartin0211@outlook.com

P: (616) 822-9423

From: Hatch, Daniel <hatchd@butzel.com>

Sent: Monday, April 22, 2024 3:42 PM

To: Silver, Lee <silver@butzel.com>; Britt Martin <bmartin0211@outlook.com>

Cc: Burk, Tyler A. <burkt@butzel.com>; Gutierrez, Michael <gutierrez@butzel.com>; Schoonmaker, Gabrielle <schoonmaker@butzel.com>

Subject: RE: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

Ms. Martin

Please email me your proposed stip and order in Word format so I can send you our revisions in track changes.

Daniel Hatch

Shareholder

hatchd@butzel.com

Direct: [\(616\) 752-7224](tel:6167527224) | Mobile: [\(616\) 250-1307](tel:6162501307)



Main: 616.988.5600 | Fax: 616.988.5606

300 Ottawa Ave. NW, Suite 620 | Grand Rapids, MI 49503



A **LexMundi** Member

From: Silver, Lee <silver@butzel.com>

Sent: Monday, April 22, 2024 3:23 PM

To: Britt Martin <bmartin0211@outlook.com>

Cc: Burk, Tyler A. <burkt@butzel.com>; Gutierrez, Michael <gutierrez@butzel.com>; Hatch, Daniel

<hatchd@butzel.com>; Schoonmaker, Gabrielle <schoonmaker@butzel.com>

Subject: Re: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

Britt,

Thank you for sending this over. I am tied up in a mediation today. However, someone from our office will get back to you shortly since I don't have the ability to look at this right now. Lee.

Lee Silver

Shareholder

silver@butzel.com



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From: Britt Martin <bmartin0211@outlook.com>

Date: Monday, April 22, 2024 at 3:12 PM

To: "Silver, Lee" <silver@butzel.com>

Cc: "Burk, Tyler A." <burkt@butzel.com>, "Gutierrez, Michael" <gutierrez@butzel.com>, "Hatch, Daniel" <hatchd@butzel.com>, "Schoonmaker, Gabrielle" <schoonmaker@butzel.com>

Subject: Re: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

Brittany E. Martin

E: bmartin0211@outlook.com

P: (616) 822-9423

From: Britt Martin <bmartin0211@outlook.com>

Sent: Monday, April 22, 2024 3:11 PM

To: Silver, Lee <silver@butzel.com>

Cc: Burk, Tyler A. <burkt@butzel.com>; Gutierrez, Michael <gutierrez@butzel.com>; Hatch, Daniel

<hatchd@butzel.com>; Gabrielle Schoonmaker <schoonmaker@butzel.com>

Subject: Re: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

Hi Lee,

Under FRCP Rule 6(d), when service is made by mail, an additional three days are added to the prescribed period to respond. I am self-represented and ineligible to use electronic filing, I was served by mail. Consequently, this extension applies, and therefore, the adjusted deadline for my response falls on today's date. Thus, my time to respond has not expired. Regardless, I have changed the language in the attached stip to accommodate your stance, please review and send a signed copy back as soon as possible so that I can prepare a physical filing and get down to the courthouse immediately.

Brittany E. Martin

From: Silver, Lee <silver@butzel.com>

Sent: Monday, April 22, 2024 1:19 PM

To: Britt Martin <bmartin0211@outlook.com>

Cc: Burk, Tyler A. <burkt@butzel.com>; Gutierrez, Michael <gutierrez@butzel.com>; Hatch, Daniel <hatchd@butzel.com>

Subject: Re: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

Hi Britt,

I can't stipulate to extend the time for filing a response to our pending Motion to Dismiss because the deadline for that response was last week. In other words, contrary to what the proposed stipulation says that you sent, the deadline for responding has already passed.

However, I am willing to toll the deadline for you to file a claim of appeal of the Magistrate Judge's order from April 19 through May 6 provided the stipulation clearly states that we don't believe there is any merit to any appeal. (The reason we believe this is because the Judge was correct that you missed the deadline for filing an amended complaint as of right. Therefore, the Judge correctly struck the Amended Complaint.)

Also, I would prefer not to be the one to electronically file the stip since it may create the appearance that we are somehow requesting the stipulation. I hope this makes sense. Lee.

Lee Silver

Shareholder

silver@butzel.com



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From: Britt Martin <bmartin0211@outlook.com>

Date: Monday, April 22, 2024 at 7:02 AM

To: "Silver, Lee" <silver@butzel.com>

Cc: "Burk, Tyler A." <burkt@butzel.com>, "Gutierrez, Michael" <gutierrez@butzel.com>, "Hatch, Daniel" <hatchd@butzel.com>

Subject: Re: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

Lee,

I appreciate your flexibility - attached for your review and signature is a stipulation for an extension until May 6, 2024, to respond to (1) the pending motion to dismiss, and (2) to appeal from Magistrate Berens April 16, 2024, nondispositive order.

If you would be willing to file the stip electronically today that would be a huge help, otherwise please shoot a signed copy back to me as soon as possible so that I can prepare a physical filing and get over to the courthouse before they close at 4:30.

Thanks again,

Brittany E. Martin

E: bmartin0211@outlook.com

P: (616) 822-9423

From: Silver, Lee <silver@butzel.com>

Sent: Friday, April 19, 2024 1:30 PM

To: Britt Martin <bmartin0211@outlook.com>

Cc: Burk, Tyler A. <burkt@butzel.com>; Gutierrez, Michael <gutierrez@butzel.com>; Hatch, Daniel <hatchd@butzel.com>

Subject: Re: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

Britt,

I am not aware of any currently pending deadlines. Please let me know what deadlines you are referring to so that I know what you are asking us to agree to. Lee.

Lee Silver

Shareholder

silver@butzel.com



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From: Britt Martin <bmartin0211@outlook.com>

Date: Friday, April 19, 2024 at 1:10 PM

To: "Silver, Lee" <silver@butzel.com>

Cc: "Burk, Tyler A." <burkt@butzel.com>, "Gutierrez, Michael" <gutierrez@butzel.com>, "Hatch, Daniel" <hatchd@butzel.com>

Subject: Re: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

To clarify, I am seeking your agreement to a stipulation to stay all proceedings until May 6, 2024, including deadlines and all other legal obligations.

Brittany E. Martin

From: Silver, Lee <silver@butzel.com>

Sent: Friday, April 19, 2024 12:49 PM

To: Britt Martin <bmartin0211@outlook.com>

Cc: Burk, Tyler A. <burkt@butzel.com>; Gutierrez, Michael <gutierrez@butzel.com>;

millerb@butzel.com <millerb@butzel.com>; Hatch, Daniel <hatchd@butzel.com>

Subject: Re: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

Britt,

I am very sorry to hear about aunt. My condolences to you and your family.

Under the circumstances, we will not file anything or take any action in this case that involves the Court until May 6 so that you can tend to your family (assuming, of course, that the Court does not Order us to do something in the next two weeks, which I am not anticipating).

Again, I am sorry for your loss. Lee.

Lee Silver

Shareholder

silver@butzel.com



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From: Britt Martin <bmartin0211@outlook.com>

Date: Friday, April 19, 2024 at 1:04 AM

To: "Silver, Lee" <silver@butzel.com>

Cc: "Burk, Tyler A." <burkt@butzel.com>, "Gutierrez, Michael" <gutierrez@butzel.com>, "millerb@butzel.com" <millerb@butzel.com>

Subject: [EXTERNAL] Requesting Stip for Immediate Stay of Proceedings

All,

I hope this message finds you well. I am writing under very difficult circumstances, having received the devastating news this morning of my aunt's unexpected death in a house fire. The situation is remains under investigation.

<https://www.fox17online.com/news/local-news/kent/woman-dies-in-wyoming-house-fire-investigation-underway>.

Given the severity of this family crisis, my immediate priorities are caring for her children, my younger cousins.

Accordingly, I am requesting a stipulation for an immediate stay of all proceedings until Monday, May 6, 2024, to allow me the necessary time to support my family during this calamitous time.

Please let me know at your earliest convenience if you are amenable to stipulating to stay the proceedings, or if there are any concerns.

Thank you for your understanding.

Brittany E. Martin

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRITTANY E. MARTIN,

Plaintiff,

v.

Case No. 24-cv-00072

Hon. Hala Y. Jarbou

HENN LESPERANCE PLC,
KEVIN LESPERANCE
MALGORZATA ("GOSIA") WALKER,
ROY H. JOHNSON,
DOES 1-5,

Defendants.

**STIPULATION AND ORDER TO EXTEND THE TIME ALLOWED FOR PLAINTIFF
TO RESPOND TO DEFENDANTS' MOTION TO DISMISS AND APPEAL FROM
MAGISTRATE JUDGE'S ORDER**

Pro se Plaintiff, Brittany E. Martin, and Defendants, Henn Lesperance PLC, Kevin Lesperance, Malgorzata ("Gosia") Walker, and Roy H. Johnson (collectively referred to as "Defendants"), stipulate and agree as follows:

1. During their Local Rule 7.1 meet-and-confer on April 22, 2024, in light of an unexpected death in Plaintiff's family and Plaintiff's obligations arising from these circumstances, the parties stipulate and agree to extend the time allowed for Plaintiff to respond to Defendants' motion to dismiss (ECF No. 14) and to appeal from magistrate judge's nondispositive Order (ECF No. 19) until May 6, 2024.
2. Fed. R. Civ. P. Rule 6(b)(1)(A) provides that a Court may, for good cause shown, extend the time for an act to be done if a party makes such request before the original time expires.

3. Fed. R. Civ. P. Rule 6(b)(1)(B) provides that a Court may, for good cause shown, extend the time for an act to be done after the time has expired if the party failed to act because of excusable neglect.
4. Defendants' motion to dismiss was filed on March 21, 2024.
5. Although Defendants contend that the time for Plaintiff to respond to the motion to dismiss expired last week, Plaintiff, having been served by mail, maintains that the extended deadline under Fed. R. Civ. P. 6(d) aligns with today's date and thus her time has not yet expired. Regardless of this contention, Plaintiff seeks this extension on the grounds of excusable neglect, given the recent personal and unavoidable circumstances.
6. Magistrate Judge entered a nondispositive Order in this case on April 16, 2024, meaning Plaintiff's time to appeal from said order has not yet expired.
7. The parties stipulate to toll the deadline for filing a claim of appeal regarding the Magistrate Judge's order to May 6, 2024. It is explicitly recognized within this stipulation that the undersigned defendants do not concede any merit to any potential appeal based on the belief that the Magistrate Judge was correct in striking Plaintiff's Amended Complaint.
8. Good cause exists to grant this extension, as the adjournment will ensure that all parties are adequately prepared to contribute effectively to the proceedings, thereby facilitating a more equitable and efficient adjudication of the case.



Brittany E. Martin
Plaintiff in Pro Se
(616) 822-9423
23 College Ave. SE, APT. 18

Lee T. Silver (P36905)
Michael L. Gutierrez (P79440)
Brett J. Miller (P68612)
BUTZEL LONG, PC

Grand Rapids, MI 49503
bmartin0211@outlook.com

*Attorneys for Henn Lesperance PLC,
Kevin Lesperance, Malgorzata
("Gosia") Walker, and Roy H. Johnson
300 Ottawa Ave. NW, Suite 620
Grand Rapids, Michigan 49503
silver@butzel.com
gutierrez@butzel.com
millerbr@butzel.com*

STIPULATED FOR ENTRY:

ORDER

Upon consideration of the Parties' Stipulation to Extend the time allowed for Plaintiff to respond to Defendants' motion to dismiss and to appeal from magistrate judge's nondispositive Order, the Court finds that good causes exists under Fed. R. Civ. P. 6(b)(1) to extend the time allowed for Plaintiff to respond to Defendants' motion to dismiss and to appeal from magistrate judge's nondispositive Order. The Court hereby orders that Plaintiff may file and serve on counsel for Defendants a response to Defendants' motion to dismiss and appeal from magistrate judge's nondispositive Order no later than May 6, 2024.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRITTANY E. MARTIN,

Plaintiff,

v.

Case No. 24-cv-00072

Hon. Hala Y. Jarbou

HENN LESPERANCE PLC,
KEVIN LESPERANCE
MALGORZATA ("GOSIA") WALKER,
ROY H. JOHNSON,
DOES 1-5,

Defendants.

**STIPULATION AND ORDER TO EXTEND THE TIME ALLOWED FOR PLAINTIFF
TO RESPOND TO DEFENDANTS' MOTION TO DISMISS AND APPEAL FROM
MAGISTRATE JUDGE'S ORDER**

Pro se Plaintiff, Brittany E. Martin, and Defendants, Henn Lesperance PLC, Kevin Lesperance, Malgorzata ("Gosia") Walker, and Roy H. Johnson (collectively referred to as "Defendants"), stipulate and agree as follows:

1. During their Local Rule 7.1 meet-and-confer on April 22, 2024, in light of an unexpected death in Plaintiff's family and Plaintiff's obligations arising from these circumstances, the parties stipulate and agree to extend the time allowed for Plaintiff to respond to Defendants' motion to dismiss (ECF No. 14) and to appeal from magistrate judge's nondispositive Order (ECF No. 19) until May 6, 2024.
2. Fed. R. Civ. P. Rule 6(b)(1)(A) provides that a Court may, for good cause shown, extend the time for an act to be done if a party makes such request before the original time expires.
3. Defendants' motion to dismiss was filed on March 21, 2024, meaning Plaintiff's time to respond has not yet expired.

4. Magistrate Judge entered a nondispositive Order in this case on April 16, 2024, meaning Plaintiff's time to appeal from said order has not yet expired.
5. Good cause exists to grant this extension, as the adjournment will ensure that all parties are adequately prepared to contribute effectively to the proceedings, thereby facilitating a more equitable and efficient adjudication of the case.

STIPULATED FOR ENTRY:



Brittany E. Martin
Plaintiff in Pro Se
(616) 822-9423
23 College Ave. SE, APT. 18
Grand Rapids, MI 49503
bmartin0211@outlook.com

Lee T. Silver (P36905)
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*Attorneys for Henn Lesperance PLC,
Kevin Lesperance, Malgorzata
("Gosia") Walker, and Roy H. Johnson*
300 Ottawa Ave. NW, Suite 620
Grand Rapids, Michigan 49503
silver@butzel.com
gutierrez@butzel.com
millrbr@butzel.com

ORDER

Upon consideration of the Parties' Stipulation to Extend the time allowed for Plaintiff to respond to Defendants' motion to dismiss and to appeal from magistrate judge's nondispositive Order, the Court finds that good causes exists under Fed. R. Civ. P. 6(b)(1) to extend the time allowed for Plaintiff to respond to Defendants' motion to dismiss and to appeal from magistrate judge's nondispositive Order. The Court hereby orders that Plaintiff may file and serve on counsel for Defendants a response to Defendants' motion to dismiss and appeal from magistrate judge's nondispositive Order no later than May 6, 2024.